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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,397	10/25/2001	Tamotsu Koiwai	IPO-P1132.1	1943

3624 7590 04/10/2003

VOLPE AND KOENIG, P.C.  
UNITED PLAZA, SUITE 1600  
30 SOUTH 17TH STREET  
PHILADELPHIA, PA 19103

EXAMINER

THOMPSON, TIMOTHY J

ART UNIT	PAPER NUMBER
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2873

DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/001,397	Applicant(s) KOIWA ET AL.	
	Examiner Timothy J Thompson	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-23 is/are allowed.
- 6) ☒ Claim(s) 24-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☒ Certified copies of the priority documents have been received in Application No. 08/979,642.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Erlichman et al.(U.S. Patent No. 4,130,357).

Regarding claim 24, Erlichman et al. discloses a plurality of lenses(fig 3, 22 and claim 1 which claims "at least one optical lens element" indicating that a plurality of lenses can be used) forming a photographic optical system(col 1, lines 5-11); a lens holding frame holding at least one of said lenses(fig 3, 24), said lens holding frame being movable along an optical axis of said lenses(col 4, lines 55-62); and a flare diaphragm(fig 3, 52, 53) formed by a flexible member disposed on one of an optical path of crises and a vicinity thereof such that said flare diaphragm contacts one of said lenses and said lens holding frame so as to be deformed when said lens holding frame is moved in a given direction along the optical axis(col 5, line 57 to col 6, lines 55 and col 7, lines 24-37).

Regarding claim 25, Erlichman et al. discloses a plurality of lenses(fig 3, 22 and claim 1 which claims "at least one optical lens element" indicating that a plurality of lenses can be used) forming a photographic optical system(col 1, lines 5-11) forming a photographic optical system(col 1, lines 5-11); a lens holding frame holding at lest one of said lenses(fig 3, 24), said lens holding frame being movable along an optical axis of said lenses(col 4, lines 55-62); and a flare diaphragm(fig 3, 52, 53) formed by a flexible member and provided as part of a frame other than said lens holding frame so that said flare diaphragm is disposed on one of an optical path of said lenses and in a vicinity thereof such that said flare diaphragm contacts one of said lenses and said lens holding frame so as to be

deformed when said lens holding frame is moved in a given direction along the optical axis (col 5, line 57 to col 6, lines 55 and col 7, lines 24-37).

Regarding claim 26, Erlichman et al. discloses lenses(fig 3, 22 and claim 1 which claims "at least one optical lens element" indicating that a plurality of lenses can be used) forming a photographic optical system(col 1, lines 5-11) forming a photographic optical system(col 1, lines 5-11); a frame movable along an optical axis of said lenses(col 4, lines 55-62); and a flare diaphragm (fig 3, 52, 53)formed by a flexible member disposed on one of an optical path of the lenses and in a vicinity thereof such that said flare diaphragm contacts said frame to be deformed when said frame is moved in a given direction along the optical axis(col 5, line 57 to col 6, lines 55 and col 7, lines 24-37).

***Allowable Subject Matter***

Claims 1-23 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art taken either singularity or in combination fails to anticipate or fairly suggest the limitations of the independent claim, in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in independent claims 1, 9, 11-15 and 19-23, with the important feature being the flare diaphragm disposed on the optical path of lenses or in the vicinity thereof such that the flare diaphragm advances into and retreats from the optical path for cutting deleterious light responsive to the lens moving in a direction of the optical axis. Therefore claims 1-23 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ichino(U.S. Pat. No. 5,724,196) is pertinent to the application since it pertains to an aperture which moves based upon the movement of the lens holder.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Thompson whose telephone number is (703) 305-0881. If the examiner can not be reached his supervisor, Georgia Epps, can be reached on (703) 308-4883.

T.J.T.

4/3/03

A handwritten signature in black ink, appearing to read "Tim May". The signature is fluid and cursive, with the first name "Tim" and last name "May" clearly distinguishable.